IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Satya @ Satiya Baranda VS. Motor Accident Claims Tribunal, Udaipur & Anr.
(S.B. Civil Writ Petition No.1562/06)

Dated:- 29.10.2007.

HON'BLE MR.JUSTICE SANGEET LODHA

Mr.P.S.Chundawat , for the petitioner.

This writ petition is directed against notice dated 23.2.2006 issued by the Tehsildar, Dungarpur, whereby the recovery proceeding has been initiated against the petitioner for recovery of an amount of Rs.3,82,101/- in pursuance of the award dated 3.7.1999 passed by Motor Accident Claims Tribunal, Udaipur(in short "the Tribunal" hereinafter) in claim case No.454/97.

The learned Tribunal vide judgment dated 3.7.1999 passed an ex parte award for Rs.2,10,400/- inter alia against the petitioner who was driver of the bus involved in the accident occurred on 7.3.1997. The petitioner has already made an application for setting aside the award before the learned Tribunal. The petitioner approached this Court on account of non-availability of Presiding Officer in the Tribunal. The petitioner has already availed the remedy available to him against the ex parte award and the Presiding Officer has already been

posted in the Tribunal. The petitioner should pursue the remedy availed by him against the ex parte award before the Tribunal.

Accordingly, the writ petition is hereby dismissed with no order as to costs. The ad interim order dated 29.3.2006 granted by this Court shall stand vacated.

(SANGEET LODHA),J.